



Department of Health

Request for Proposals

RFP # 17815

*Determination, Billing, Collecting
and Accounting for Fees*

In Support of the

Clinical Laboratory Evaluation Program

Issued: August 8, 2018

DESIGNATED CONTACT:

Pursuant to State Finance Law §§ 139-j and 139-k, the Department of Health identifies the following designated contact to whom all communications attempting to influence the Department of Health's conduct or decision regarding this procurement must be made.

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PERMISSIBLE SUBJECT MATTER CONTACT:

Pursuant to State Finance Law § 139-j(3)(a), the Department of Health identifies the following allowable contact for communications related to the submission of written proposals, written questions, pre-bid questions, and debriefings.

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1.0 CALENDAR OF EVENTS

RFP #17815 DETERMINATION, BILLING, COLLECTING AND ACCOUNTING FOR FEES IN SUPPORT OF THE CLINICAL LABORATORY EVALUATION PROGRAM	
<u>EVENT</u>	<u>DATE</u>
Issuance of Request for Proposals	August 8, 2018
Deadline for Submission of Written Questions	August 22, 2018 3:00 p.m. ET
Responses to Written Questions Posted by DOH	On or About September 5, 2018
Deadline for Submission of Proposals	September 26, 2018 3:00 p.m. ET
<u>Anticipated</u> Contract Start Date	March 1, 2019

2.0 OVERVIEW

Through this Request for Proposals (“RFP”), the New York State (“State”) Department of Health (“DOH”) is seeking competitive proposals for qualified accounting firms (see Section 3.0 Bidder’s Qualifications to Propose). It is the Department’s intent to award one (1) contract from this procurement.

2.1 Introductory Background

The New York State Department of Health (the Department) as administered by the Clinical Laboratory Evaluation Program (CLEP), is authorized to collect fees assessed on entities operating under a permit or registration issued by the Department. Approximately 1,000 laboratories and blood banks are currently permitted, and approximately 7,000 limited laboratories are registered. This number changes slightly as facilities enter or leave the program. Additional information about these types of laboratory types can be found at <https://www.wadsworth.org/regulatory/clep>.

The Department is interested in contracting for the services of a firm experienced in the calculation of fees, conducting billing and dunning operations; calculation and collection of late payments; interest and penalties; and collecting as well as accounting for revenue received.

2.2 Important Information

The bidder is required to review, and is requested to have legal counsel review, [Attachment 8](#), the DOH Agreement as the Bidder must be willing to enter into an Agreement substantially in accordance with the terms of [Attachment 8](#) should the bidder be selected for contract award. Please note that this RFP and the awarded bidder’s proposal will become part of the contract as Appendix B and C, respectively.

It should be noted that Appendix A of [Attachment 8](#), “Standard Clauses for New York State Contracts”, contains important information related to the contract to be entered into as a result of this RFP and will be incorporated, without change or amendment, into the contract entered into between DOH and the successful Bidder. By submitting a response to the RFP, the Bidder agrees to comply with all the provisions of Appendix A.

Note, [Attachment 7](#), the Bidder’s Certifications/Acknowledgements, should be submitted and includes a statement that the bidder accepts, without any added conditions, qualifications or exceptions, the contract terms and conditions contained in this RFP including any exhibits and attachments. It also includes a

statement that the bidder acknowledges that, should any alternative proposals or extraneous terms be submitted with the proposal, such alternate proposals or extraneous terms will not be evaluated by the DOH.

Any qualifications or exceptions proposed by a bidder to this RFP should be submitted in writing using the process set forth in [Section 5.2](#) (Questions) prior to the deadline for submission of written questions indicated in [Section 1.0](#) (Calendar of Events). Any amendments DOH makes to the RFP as a result of questions and answers will be publicized on the DOH web site.

2.3 Term of the Agreement

This contract term is expected to be for a period of five (5) years commencing on the date shown on the Calendar of Events in [Section 1.0.](#), subject to the availability of sufficient funding, successful contractor performance, and approvals from the New York State Attorney General (AG) and the Office of the State Comptroller (OSC).

3.0 BIDDERS QUALIFICATIONS TO PROPOSE

3.1 Minimum Qualifications

NYSDOH will accept proposals from organizations with the following types and levels of experience as a prime contractor.

- A minimum of three (3) years' experience working with general accounting, auditing and electronic reporting systems, and
- At least three (3) years' experience working on payment systems for Federal, State or Local government accounting contracts, and
- At least one (1) year experience processing electronic payments

Experience acquired concurrently is considered acceptable.

For the purposes of this RFP, a prime contractor is defined as one who has the contract with the owner of a project or job and has full responsibility for its completion. A prime contractor undertakes to perform a complete contract and may employ (and manage) one or more subcontractors to carry out specific parts of the contract.

Failure to meet these Minimum Qualifications will result in a proposal being found non-responsive and eliminated from consideration.

4.0 SCOPE OF WORK

This Section describes the accounting services that are required to be provided by the selected bidder. The selected bidder must be able to provide all of these services throughout the contract term.

PLEASE NOTE: Bidders will be required to provide responses that address all of the requirements of this RFP as part of its Technical Proposal.

The terms "bidders", "vendors" and "proposers" are also used interchangeably. For purposes of this RFP, the use of the terms "shall", "must" and "will" are used interchangeably when describing the Contractor's/Bidder's duties.

4.1 Tasks/Deliverables

4.1.1 Limited laboratories:

1. Accounts receivable are handled in accordance with Section 18 State Finance Law, and the following timelines must be adhered to:
 - a. Checks are collected from the CLEP every two (2) weeks.
 - b. Transactions are posted as an initial or biennial fee to each limited laboratory account.
 - c. Prepare and route deposits into a State controlled bank account within one (1) business day of receipt.
 - d. Prepare monthly reports and reconciliations for the Department regarding laboratory activity and account balances. These reports will be transmitted via email to the State's designated contact(s) using excel or PDF file attachments.
 - e. Prepare weekly, quarterly, and/or annual reports showing the status of each lab's account, period activity, ending balances and accounts receivables for the Department. These reports will be transmitted via email to the State's designated contact(s) using excel or PDF file attachments.

4.1.2 Clinical laboratories and blood banks:

Chapter 992 of the Laws of 1984 requires laboratory fees to be determined based on each laboratory's total gross annual receipts for testing conducted under its New York State permit. Fees are computed based on each laboratory's share of total gross annual receipts of all laboratories for tests performed on specimens derived from New York State pursuant to Section 576 of the Public Health Law and Subpart 58-3 of Article 10 (NYCRR).

1. Accounts receivable are handled in accordance with Section 18 State Finance Law, and the following timelines must be adhered to:
 - a. On or about April 1 – The Department will request Gross Annual Receipts (GAR) information from all participating laboratories.
 - b. On or about May 1 – The Department shall compute the estimated costs for the preceding state fiscal year which were expended to operate and administer the Clinical Laboratory Reference System.
 - c. On or about June 1 – The Department will provide the GAR information to the accounting contractor. The accounting contractor will perform necessary analyses and calculations to prepare the annual invoice.
 - d. On or about June 1 – The Department through its accounting contractor bills each laboratory for its inspection and reference fee as well as its annual \$100 renewal fee and advises each lab of the total GAR reported by all laboratories and the estimated annual operating costs of the CLRS. The bill will indicate amount and due date of all payment. The bill will also include any past due amount from the prior year.
 - e. On or about September 15 – The Department will reconcile the annual operating costs of the CLRS. If fee adjustments are required, the Department through its accounting contractor will advise the laboratories of any adjustments (additional fees or credits) on or about October 15.
 - f. The contractor will implement collection procedures and charges for overdue accounts as required by the State Finance Law for any accounts that are not paid in full as of the final quarterly payment notice.

2. Following Tasks That Must Be Performed by the Contractor:
 - a. Maintain an electronic database developed and maintained by the contractor, to which the program would have remote access.
 - b. Determination, Billing and Collection of Inspection and Reference Fees for the permit year, July 1- June 30, which are based on a fiscal year beginning April 1 and ending March 31 for a five (5) year period (2018-2023). This is the largest component of the contract and includes the following services for the routine processing of laboratory transactions:
 - i. Calculate the annual fee for each laboratory. This calculation is based on GAR information and the total prior year operating expenses of CLRS provided by the Department.
 - ii. Generate and distribute the appropriate fee invoices to each laboratory.
 - iii. Prepare an annual fee adjustment based upon the final accounting of the prior year operating costs of the CLRS and notification to clinical laboratory facilities of any change in fee amounts.
 - iv. Collect payments.
 - v. Post transactions such as annual fee, payments on account and adjustments to each laboratory account.
 - vi. Prepare and route of daily deposits into a State controlled bank account within one (1) business day of receipt.
 - vii. Prepare monthly reports and reconciliations for the Department regarding laboratory activity and account balances. These reports will be transmitted via email to the State's designated contact(s) using excel or PDF file attachments.
 - viii. Prepare weekly, quarterly, and annual reports showing the status of each lab's account, period activity, ending balances and accounts receivables for the Department. These reports will be transmitted via email to the State's designated contact(s) using excel or PDF file attachments.
 - c. Calculation of Late Fees and Preparation and Processing of Dunning Notices. The services listed in this section are for carrying from one (1) quarterly bill to another the late fees and any incurred interest and for the dunning of laboratories that do not pay their fees in full by 30 days after the end of the last quarterly billing cycle in accordance with the requirements of Section 18 State Finance Law (Chapter 55, Laws of 1992). The tasks include, but are not limited to, the following:
 - i. Updating laboratory records for aging accounts, calculating penalties and interest.
 - ii. Reflecting any past-due amounts and interest on each quarterly installment.
 - iii. Processing, printing and distributing required 30 and 60-day dunning notices for any outstanding amounts left unpaid from the final quarterly installment sent to the laboratory.
 - iv. Preparing monthly payment tracking reports.
 - d. Preparation of Year-End Close-Out Report. On or about May 30th of each year, every laboratory account must be closed out and initiated as a balance forward prior to calculating the next year's annual fee. Prior year data must be stored and made available for retrieval through an on-line archiving system and a final report in Excel (or compatible format) and in hard-copy must be submitted to the Department. The close-out report will summarize the amount billed, and amount collected and lists those facilities owing fees and the amount owed.

- e. Administrative Reports/Special Billings. Periodically, the Department will request the contractor to prepare and/or process a special accounting report or laboratory billing. Historically, this has occurred ten or fewer times per year. The contractor must be prepared to meet in person, bi-weekly, with Department personnel to discuss laboratory fee accounting issues at no additional cost to the Department.
- f. Development, implementation, and documentation of ongoing collection procedures for the collection of fees for clinical laboratories/blood banks and limited laboratories. The contractor:
 - i. Is required to develop and implement accounting and banking services, policies and procedures. These accounting and other administrative procedures and policies related to the collection of fees are subject to State approval.
 - ii. Must establish systems for the receipt, handling and security of collected laboratory fees. The contractor must develop and maintain policies and procedures for an internal control system to appropriately safeguard the revenues received. The program proposal must describe the audit trail. The contractor may use a bank lock-box system for this purpose. The contractor must also receive electronic fee payments. Policies and procedures must be developed for these alternative forms of payment subject to Department approval.
 - iii. Must establish a system for the collection of application fees received at the program offices and for the secure handling of these fees as indicated above.
 - iv. Must establish an administrative reporting system providing monthly statements to the Department for all transactions for the previous month. Statements must include data on which laboratories were billed (including amount billed) and what payments have been received (and for what period).
 - v. Must deposit revenue resulting from laboratory fee assessments and collections into a designated account as authorized by the Office of the State Comptroller. The Contractor must provide full collateral, as required by the Office of the State Comptroller and pursuant to the State Finance Law, Sections 105 and 106 and the related regulations, to secure funds (fees) handled.
 - vi. Must develop and maintain accounting policies, procedures and records to control and document its fiscal activities and responsibilities. Such systems are subject to State approval.
 - vii. Must maintain an electronic on-line system whereby the Department can access billing/payment information for each laboratory account. This includes account balances and transfer information relating to new or revised laboratory accounts. This system shall be capable of being updated through regular file transfers from the Department.
 - viii. Must monitor past due accounts and identify those accounts meeting or exceeding state approved write-off criteria.
 - ix. Must assign a contact person to answer questions and inquiries from laboratories regarding the billing process.

NOTE: Upon notification of returned checks by the bank for non-payment the contractor must re-establish a receivable for the unpaid balance along with a fee for the returned check charge as required in Section 18 of the State Finance Law.

- g. Laboratory Accounts: The contractor must meet the following specifications for laboratory accounts:

- i. Each licensed clinical laboratory and blood bank is treated as a separate account for fee purposes unless a special arrangement has been made with a laboratory corporation to group all of the firm's labs into one (1) bill.
 - ii. Active accounts shall be maintained for all clinical laboratories that are currently in operation or those that may have closed but still owe fees.
 - iii. Closed accounts include all laboratories that are no longer operational and have paid all fees. The contractor will be notified by the Department when facilities close. Laboratory accounts are to be considered 'closed' when all outstanding fees are paid.
 - iv. Archived account files (closed facility files) must be obtained from the accounting firm currently under contract and maintained in an electronic database (see Section m, Transition).
- h. The following information will be maintained for each laboratory account:
- i. A Permanent Facility Identification number (PFI). This number stays with the account throughout its life.
 - ii. The name, mailing address, email address, and telephone number of the facility, and an alternate billing address and contact person, if identified.
 - iii. The name of the facility's director.
 - iv. The employer identification number of the facility.
 - v. The ownership type.
 - vi. Current and historical fee data (e.g. fee amounts, adjustments, gross annual receipts) for the past seven (7) permit years.
 - vii. Fee and payment information including:
 - 1. Current fee amount, including adjustments.
 - 2. Status of the account balance, receipts must be applied against quarterly payments or other payments due.
 - 3. Age of Receivable.
 - 4. Amounts to be segregated as a condition of any bankruptcy filings by the laboratory.
- i. Invoices. The contractor will determine the annual laboratory fee based on the formula included in Part 58-3 of NYCRR.
- i. Annually (on or about June 1), the contractor will generate an invoice for each laboratory that includes the following: The total fee bill for the permit year; an indication of the amount and due date of each installment payment; an indication that the \$100 annual renewal fee is due with the first payment; the total amount of GAR for all licensed facilities; prior fiscal year program costs; and prior fiscal year credits or debits.
 - ii. The contractor will generate installment statements/invoices for the second, third and fourth payments that include: The total fee bill for the permit year; payment status information; amounts past due and any interest due; and account balance information.

- iii. The contractor will generate notices of additional fees or credits based on the annual fee adjustment in October.
- iv. The contractor will submit monthly invoices to the department, delineating the costs associated with processing transactions associated with clinical laboratories/blood banks and limited laboratories.
- v. When requested by the Department, the contractor will propose and send statement/invoices as a result of audit adjustments, facility closures, etc.

j. Procedures Manual

The selected vendor/contractor will submit a procedure manual that formalizes the processes outlined in the contractor's proposal within 30 days of the approval of a contract for these services by the Office of the State Comptroller. The Procedures Manual is subject to the Department's review and approval.

k. Staffing

The contractor will conduct recruitment, organization and training efforts that will provide for an adequate number of appropriately trained and qualified individuals to coordinate, manage, conduct and carry out the tasks and deliverables outlined in Section 4.0. The contractor will ensure that the staffing needs of the program are met on an ongoing basis. The contractor will provide the following:

1. Project Manager

The contractor must identify and provide a project manager who can ensure overall implementation and delivery of contract deliverables for the duration of the contract period.

The project manager must meet the following minimum eligibility requirements:

- Certified Public Accountant, and
- At least three years' experience in accounting for government contractors, and
- Availability to meet with DOH staff in Albany at least biweekly.

2. Accountant

The contractor must identify and provide an accountant who can execute the daily tasks described in 4.0, above, under the supervision of the project manager.

The accountant must meet the following minimum eligibility requirements:

- Four (4) -year degree in Accounting or Business with a concentration in accounting from an accredited university, and
- At least two (2) years of professional, full-time experience in accounting.

The contractor will provide other additional trained staff as needed to meet the scope of services contained in this RFP.

The contractor will submit resumes of staff hired under the terms of this contract for DOH review prior to the start of work. At any time throughout the course of the contract, the Department reserves the right to approve or disapprove the contractor's proposed staffing, including consultants or subcontractors and may request a replacement of such staffing, consultant or subcontractor, if needed.

I. Security

The selected Contractor shall comply with all privacy and security policies and procedures of the Department (<https://its.ny.gov/eiso/policies/security>) and applicable state and federal law and administrative guidance with respect to the performance of this contract.

The Contractor is expected to provide secure and confidential backup, storage and transmission for hard copy and electronically stored information. Under no circumstances will any records be released to any person, agency, or organization without specific written permission of the DOH. The Contractor is obligated to ensure any Subcontractor hired by Contractor who stores, processes, analyzes or transmits records on behalf of Contractor has the appropriate Security requirements in place. If any breach or suspected breach of the data or confidentiality occurs, whether the breach occurred with the Contractor or Subcontractor, DOH must be notified immediately.

The contractor is required to maintain and provide to the Department, upon request, their data confidentiality plans and procedures for meeting security requirements as they relate to the deliverables and services within this RFP, including all plans as they relate to subcontractor work where applicable.

The contractor will develop and maintain adequate fully trained staff to respond to all stakeholder inquiries while protecting confidentiality and maintaining the security and integrity of all systems. Staff must be trained to understand and observe requirements related to confidentiality and operating guidelines for functions included in this RFP.

The Contractor will comply fully with all current and future updates of the security procedures of the DOH, as well as with all applicable State and federal requirements, in performance of this contract.

The contractor's organization, employees, subcontractors and volunteers will implement and maintain policies, including an internal control process for oversight and monitoring, and procedures to assure the confidentiality of personal identifiable data and protected health information.

m. Transition

The transition represents a period when the current audit activities performed by the Contractor must be turned over to the Department, another Department agent or successor Contractor during or at the end of the contract.

The contractor shall provide technical and business process support as necessary and required by the Department to transition and assume contract requirements to the Department or another Department agent of the auditing services program should that be required during or at the end of the contract.

The contractor shall manage and maintain the appropriate number of staff to meet all requirements listed in the RFP during the transition. All reporting and record requirements, security standards, and performance standards will remain in effect during the transition period.

The contractor is required to develop a work plan and timeline to securely and smoothly transfer any data and records generated from the inception of the Contract through the end of the contract to the Department or another Department agent should that be required during or upon expiration of the contract. The plan and documentation must be submitted to the Department no later than four (4) months before the last day of the contract with the Department of Health or upon request of the Department.

5.0 ADMINISTRATIVE INFORMATION

The following administrative information will apply to this RFP. Failure to comply fully with this information may result in disqualification of your proposal.

5.1 Restricted Period

“Restricted period” means the period of time commencing with the earliest written notice, advertisement, or solicitation of a Request for Proposals (“RFP”), Invitation for Bids (“IFB”), or solicitation of proposals, or any other method for soliciting a response from Bidders intending to result in a procurement contract with DOH and ending with the final contract award and approval by DOH and, where applicable, final contract approval by the Office of the State Comptroller.

This prohibition applies to any oral, written, or electronic communication under circumstances where a reasonable person would infer that the communication was intended to influence this procurement. Violation of any of the requirements described in this Section may be grounds for a determination that the bidder is non-responsible and therefore ineligible for this contract award. Two violations within four years of the rules against impermissible contacts during the “restricted period” may result in the violator being debarred from participating in DOH procurements for a period of four years.

Pursuant to State Finance Law §§ 139-j and 139-k, the Department of Health identifies a designated contact on face page of this RFP to whom all communications attempting to influence this procurement must be made.

5.2 Questions

There will be an opportunity available for submission of written questions and requests for clarification with regard to this RFP. All questions and requests for clarification of this RFP should cite the particular RFP Section and paragraph number where applicable and must be submitted via email to beverly.rauch@health.ny.gov. It is the bidder’s responsibility to ensure that email containing written questions and/or requests for clarification is received at the above address no later than the Deadline for Submission of Written Questions as specified in [Section 1.0](#) (Calendar of Events). Questions received after the deadline may **not** be answered.

5.3 Right to Modify RFP

DOH reserves the right to modify any part of this RFP, including but not limited to, the date and time by which proposals must be submitted and received by DOH, at any time prior to the Deadline for Submission of Proposals listed in [Section 1.0](#) (Calendar of Events). Modifications to this RFP shall be made by issuance of amendments and/or addenda.

Prior to the Deadline for Submission of Proposals, any such clarifications or modifications as deemed necessary by DOH will be posted to the DOH website.

If the bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, the Bidder shall immediately notify DOH of such error in writing at beverly.rauch@health.ny.gov and request clarification or modification of the document.

If, prior to the Deadline for Submission of Proposals, a bidder fails to notify DOH of a known error or an error that reasonably should have been known, the bidder shall assume the risk of proposing. If awarded the contract, the bidder shall not be entitled to additional compensation by reason of the error or its correction.

5.4 Payment

The contractor shall submit invoices and/or vouchers to the State's designated payment office:

Preferred Method: Email a .pdf copy of your signed voucher to the BSC at: AccountsPayable@ogs.ny.gov with a subject field as follows:

Subject: Unit ID: 3450297 <<Contract#>>

Alternate Method: Mail vouchers to BSC at the following U.S. postal address:

**NYS Department of Health
Unit ID 3450297
c/o NYS OGS BSC Accounts Payable
Building 5, 5th Floor
1220 Washington Ave.
Albany, NY 12226-1900**

Payment for invoices and/or vouchers submitted by the CONTRACTOR shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in the Commissioner's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary State procedures and practices. The CONTRACTOR shall comply with the State Comptroller's procedures to authorize electronic payments. Authorization forms are available at the State Comptroller's website at www.osc.state.ny.us/epay/index.htm, by email at epayments@osc.state.ny.us or by telephone at 518-474-6019. CONTRACTOR acknowledges that it will not receive payment on any invoices and/or vouchers submitted under this Contract if it does not comply with the State Comptroller's electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

In addition to the Electronic Payment Authorization Form, a Substitute Form W-9 must be on file with the Office of the State Comptroller, Bureau of Accounting Operations. Additional information and procedures for enrollment can be found at <http://www.osc.state.ny.us/epay>.

Completed W-9 forms should be submitted to the following address:

NYS Office of the State Comptroller
Bureau of Accounting Operations
Warrant & Payment Control Unit
110 State Street, 9th Floor
Albany, NY 12236

Payment of such invoices and/or vouchers by the State (NYS Department of Health) shall be made in accordance with Article XI-A of the New York State Finance Law. Payment terms will be: Invoices are to be submitted on a monthly basis, in accordance with Section 4.0 Scope of Work and [Attachment B](#), Cost Proposal, no later than 15 days after the end of the month in which the work is performed.

5.5 Minority & Woman-Owned Business Enterprise Requirements

Pursuant to New York State Executive Law Article 15-A, the New York State Department of Health ("DOH") recognizes its obligation to promote opportunities for maximum feasible participation of certified minority-and women-owned business enterprises and the employment of minority group members and women in the performance of DOH contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" ("Disparity Study"). The report found evidence of statistically significant disparities between the level of participation of minority-and women-owned business enterprises in state procurement contracting versus the number of minority-and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of

these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority- and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that DOH establish goals for maximum feasible participation of New York State Certified minority- and women – owned business enterprises (“MWBE”) and the employment of minority groups members and women in the performance of New York State contracts.

Business Participation Opportunities for MWBEs

For purposes of this solicitation, DOH hereby establishes an overall goal of **30%** for MWBE participation, **15%** for Minority-Owned Business Enterprises (“MBE”) participation and **15%** for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs and outreach efforts to certified MWBE firms). A contractor (“Contractor”) on the subject contract (“Contract”) must document good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract and Contractor agrees that DOH may withhold payment pending receipt of the required MWBE documentation. For guidance on how DOH will determine “good faith efforts,” refer to 5 NYCRR §142.8.

The directory of New York State Certified MWBEs can be viewed at: <https://ny.newnycontracts.com>. The directory is found in the upper right hand side of the webpage under “Search for Certified Firms” and accessed by clicking on the link entitled “MWBE Directory”. Engaging with firms found in the directory with like product(s) and/or service(s) is strongly encouraged and all communication efforts and responses should be well documented.

By submitting a bid, a bidder agrees to complete an MWBE Utilization Plan ([Attachment 5](#), Form #1) of this RFP. DOH will review the submitted MWBE Utilization Plan. If the plan is not accepted, DOH may issue a notice of deficiency. If a notice of deficiency is issued, Bidder agrees that it shall respond to the notice of deficiency within seven (7) business days of receipt. DOH may disqualify a Bidder as being non-responsive under the following circumstances:

- a) If a Bidder fails to submit a MWBE Utilization Plan;
- b) If a Bidder fails to submit a written remedy to a notice of deficiency;
- c) If a Bidder fails to submit a request for waiver (if applicable); or
- d) If DOH determines that the Bidder has failed to document good-faith efforts;

The Contractor will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to DOH, but must be made no later than prior to the submission of a request for final payment on the Contract.

The Contractor will be required to submit a Contractor’s Quarterly M/WBE Contractor Compliance & Payment Report to the DOH, by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

If the Contractor is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such finding will constitute a breach of Contract and DOH may withhold payment from the Contractor as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

New York State certified Minority- and Women-Owned Businesses (M/WBE) may request that their firm’s contact information be included on a list of M/WBE firms interested in serving as a subcontractor for this procurement. The listing will be publicly posted on the Department’s website for reference by the bidding

community. A firm requesting inclusion on this list should send contact information and a copy of its NYS M/WBE certification to beverly.rauch@health.ny.gov before the Deadline for Questions as specified in [Section 1.0](#) (Calendar of Events). Nothing prohibits an M/WBE Vendor from proposing as a prime contractor.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

5.6 Equal Employment Opportunity (EEO) Reporting

By submission of a bid in response to this solicitation, the Bidder agrees with all of the terms and conditions of [Attachment 8](#) Appendix A including Clause 12 - Equal Employment Opportunities for Minorities and Women. Additionally, the successful bidder will be required to certify they have an acceptable EEO (Equal Employment Opportunity) policy statement in accordance with Section III of Appendix M in [Attachment 8](#).

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the Contractor, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

To ensure compliance with this Section, the Bidder should submit with the bid or proposal an Equal Employment Opportunity Staffing Plan ([Attachment 5](#), Form #4) identifying the anticipated work force to be utilized on the Contract. Additionally, the Bidder should submit a Minority and Women-Owned Business Enterprises and Equal Employment Opportunity Policy Statement ([Attachment 5](#), Form # 5), to DOH with their bid or proposal.

5.7 Sales and Compensating Use Tax Certification (Tax Law, § 5-a)

Section 5-a of the Tax Law, as amended, effective April 26, 2006, requires certain contractors awarded state contracts for commodities, services and technology valued at more than \$100,000 to certify to the Department of Tax and Finance (DTF) that they are registered to collect New York State and local sales and compensating use taxes. The law applies to contracts where the total amount of such contractors' sales delivered into New York State are in excess of \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made, and with respect to any affiliates and subcontractors whose sales delivered into New York State exceeded \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made.

This law imposes upon certain contractors the obligation to certify whether or not the contractor, its affiliates, and its subcontractors are required to register to collect state sales and compensating use tax and contractors must certify to DTF that each affiliate and subcontractor exceeding such sales threshold is registered with DTF to collect New York State and local sales and compensating use taxes. The law prohibits

the State Comptroller, or other approving agencies, from approving a contract awarded to an offerer meeting the registration requirements but who is not so registered in accordance with the law.

The successful Bidder must file a properly completed Form ST-220-CA with the Department of Health and Form ST-220-TD with the DTF. These requirements must be met before a contract may take effect. Further information can be found at the New York State Department of Taxation and Finance's website, available through this link: <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

Forms are available through these links:

- ST-220 CA: http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf
- ST-220 TD: http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf

5.8 Contract Insurance Requirements

Prior to the start of work under this Contract, the CONTRACTOR shall procure, at its sole cost and expense, and shall maintain in force at all times during the term of this Contract, insurance of the types and in the amounts set forth in [Attachment 8](#), the New York State Department of Health Contract, Section IV. Contract Insurance Requirements.

5.9 Subcontracting

Bidder's may propose the use of a subcontractor. The Contractor shall obtain prior written approval from NYSDOH before entering into an agreement for services to be provided by a subcontractor. The Contractor is solely responsible for assuring that the requirements of the RFP are met. All subcontracts shall contain provisions specifying that the work performed by the subcontractor must be in accordance with the terms of the prime contract, and that the subcontractor specifically agrees to be bound by the confidentiality provisions set forth in the agreement between the DOH and the Contractor. DOH reserves the right to request removal of any bidder's staff or subcontractor's staff if, in DOH's discretion, such staff is not performing in accordance with the Agreement. Subcontractors whose contracts are valued at or above \$100,000 will be required to submit the Vendor Responsibility Questionnaire upon selection of the prime contractor.

5.10 DOH's Reserved Rights

The Department of Health reserves the right to:

1. Reject any or all proposals received in response to the RFP;
2. Withdraw the RFP at any time, at the agency's sole discretion;
3. Make an award under the RFP in whole or in part;
4. Disqualify any bidder whose conduct and/or proposal fails to conform to the requirements of the RFP;
5. Seek clarifications and revisions of proposals;
6. Use proposal information obtained through site visits, management interviews and the state's investigation of a bidder's qualifications, experience, ability or financial standing, and any material or information submitted by the bidder in response to the agency's request for clarifying information in the course of evaluation and/or selection under the RFP;
7. Prior to the bid opening, amend the RFP specifications to correct errors or oversights, or to supply additional information, as it becomes available;
8. Prior to the bid opening, direct bidders to submit proposal modifications addressing subsequent RFP amendments;
9. Change any of the scheduled dates;
10. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective bidders;
11. Waive any requirements that are not material;
12. Negotiate with the successful bidder within the scope of the RFP in the best interests of the state;
13. Conduct contract negotiations with the next responsible bidder, should the Department be unsuccessful in negotiating with the selected bidder;
14. Utilize any and all ideas submitted in the proposals received;

15. Every offer shall be firm and not revocable for a period of three hundred and sixty-five days from the bid opening, to the extent not inconsistent with section 2-205 of the uniform commercial code. Subsequent to such three hundred and sixty-five days, any offer is subject to withdrawal communicated in a writing signed by the offerer; and,
16. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an offerer's proposal and/or to determine an offerer's compliance with the requirements of the solicitation.

5.11 Freedom of Information Law ("FOIL")

All proposals may be disclosed or used by DOH to the extent permitted by law. DOH may disclose a proposal to any person for the purpose of assisting in evaluating the proposal or for any other lawful purpose. All proposals will become State agency records, which will be available to the public in accordance with the Freedom of Information Law. **Any portion of the proposal that a Bidder believes constitutes proprietary information entitled to confidential handling, as an exception to the Freedom of Information Law, must be clearly and specifically designated in the proposal as directed in [Section 6.1 \(D\)](#) of the RFP.** If DOH agrees with the proprietary claim, the designated portion of the proposal will be withheld from public disclosure. Blanket assertions of proprietary material will not be accepted, and failure to specifically designate proprietary material may be deemed a waiver of any right to confidential handling of such material.

5.12 Lobbying

Chapter 1 of the Laws of 2005, as amended by Chapter 596 of the Laws of 2005, made significant changes as it pertains to development of procurement contracts with governmental entities. The changes included:

- a) made the lobbying law applicable to attempts to influence procurement contracts once the procurement process has been commenced by a state agency, unified court system, state legislature, public authority, certain industrial development agencies and local benefit corporations;
- b) required the above mentioned governmental entities to record all contacts made by lobbyists and contractors about a governmental procurement so that the public knows who is contacting governmental entities about procurements;
- c) required governmental entities to designate persons who generally may be the only staff contacted relative to the governmental procurement by that entity in a restricted period;
- d) authorized the New York State Commission on Public Integrity, (now New York State Joint Commission on Public Ethics), to impose fines and penalties against persons/organizations engaging in impermissible contacts about a governmental procurement and provides for the debarment of repeat violators;
- e) directed the Office of General Services to disclose and maintain a list of non-responsible bidders pursuant to this new law and those who have been debarred and publish such list on its website;
- f) required the timely disclosure of accurate and complete information from offerers with respect to determinations of non-responsibility and debarment; (Bidders responding to this RFP should submit a completed and signed [Attachment 1](#), "Prior Non-Responsibility Determination".)
- g) increased the monetary threshold which triggers a lobbyist's obligations under the Lobbying Act from \$2,000 to \$5,000; and
- h) established the Advisory Council on Procurement Lobbying.

Subsequently, Chapter 14 of the Laws of 2007 amended the Lobbying Act of the Legislative Law, particularly as it related to specific aspects of procurements as follows: (i) prohibiting lobbyists from

entering into retainer agreements on the outcome of government grant making or other agreement involving public funding; and (ii) reporting lobbying efforts for grants, loans and other disbursements of public funds over \$15,000.

The most notable, however, was the increased penalties provided under Section 20 of Chapter 14 of the Laws of 2007, which replaced old penalty provisions and the addition of a suspension option for lobbyists engaged in repeated violations. Further amendments to the Lobbying Act were made in Chapter 4 of the Laws of 2010.

Questions regarding the registration and operation of the Lobbying Act should be directed to the New York State Joint Commission on Public Ethics.

5.13 State Finance Law Consultant Disclosure Provisions

In accordance with New York State Finance Law Section 163(4)(g), State agencies must require all contractors, including subcontractors, that provide consulting services for State purposes pursuant to a contract to submit an annual employment report for each such contract.

The successful bidder for procurements involving consultant services must complete a "State Consultant Services Form A, Contractor's Planned Employment From Contract Start Date through End of Contract Term" in order to be eligible for a contract.

The successful winning bidder must also agree to complete a "State Consultant Services Form B, Contractor's Annual Employment Report" for each state fiscal year included in the resulting contract. This report must be submitted annually to the Department of Health, the Office of the State Comptroller, and Department of Civil Service.

State Consultant Services Form A: Contractor's Planned Employment and Form B: Contractor's Annual Employment Report may be accessed electronically at: <http://www.osc.state.ny.us/agencies/forms/ac3271s.doc> and <http://www.osc.state.ny.us/agencies/forms/ac3272s.doc>.

5.14 Debriefing

Once an award has been made, bidders may request a debriefing of their proposal. Please note the debriefing will be limited only to the strengths and weaknesses of the bidder's proposal, and will not include any discussion of other proposals. Requests must be received no later than fifteen (15) calendar days from date of award or non-award announcement.

5.15 Protest Procedures

In the event unsuccessful bidders wish to protest the award resulting from this RFP, bidders should follow the protest procedures established by the Office of the State Comptroller (OSC). These procedures can be found in Chapter XI Section 17 of the Guide to Financial Operations (GFO). Available on-line at: <http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>.

5.16 Iran Divestment Act

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Bidder/Contractor (or any assignee) certifies that it is not on the "Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012" list ("Prohibited Entities List") posted on the OGS website (currently found at this address: <https://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf>) and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additionally, Bidder/Contractor is advised that should it seek to renew or extend a Contract awarded in response to the solicitation, it must provide the same certification at the time the Contract is renewed or extended.

During the term of the Contract, should DOH receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, DOH will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then DOH shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, or declaring the Contractor in default. DOH reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

5.17 Piggybacking

New York State Finance Law section 163(10)(e) (see also <http://www.ogs.ny.gov/purchase/snt/sflxi.asp>) allows the Commissioner of the NYS Office of General Services to consent to the use of this contract by other New York State Agencies, and other authorized purchasers, subject to conditions and the Contractor's consent.

5.18 Encouraging Use of New York Businesses in Contract Performance

Public procurements can drive and improve the State's economic engine through promotion of the use of New York businesses by its contractors. New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, bidders/proposers for this contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles. All bidders should complete [Attachment 6](#), Encouraging Use of New York Businesses in Contract Performance, to indicate their intent to use/not use New York Businesses in the performance of this contract.

5.19 Diversity Practices Questionnaire

Diversity practices are the efforts of contractors to include New York State-certified Minority and Women-owned Business Enterprises ("MWBES") in their business practices. Diversity practices may include past, present, or future actions and policies, and include activities of contractors on contracts with private entities and governmental units other than the State of New York. Assessing the diversity practices of contractors enables contractors to engage in meaningful, capacity-building collaborations with MWBEs. The Diversity Practices Questionnaire is [Attachment 10](#).

5.20 Intellectual Property

Any work product created pursuant to this agreement and any subcontract shall become the sole and exclusive property of the New York State Department of Health, which shall have all rights of ownership and authorship in such work product.

5.21 Participation Opportunities for New York State Certified Service-Disabled Veteran-Owned Businesses

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"), thereby further integrating such businesses into New York State's economy. DOH recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of DOH contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Bidders/Contractors are strongly encouraged and

expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

For purposes of this procurement, DOH conducted a comprehensive search and determined that the Contract does not offer sufficient opportunities to set specific goals for participation by SDVOBs as subcontractors, service providers, and suppliers to Contractor. Nevertheless, Bidder/Contractor is encouraged to make good faith efforts to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials. The directory of New York State Certified SDVOBs can be viewed at: <https://ogs.ny.gov/veterans/>

Bidders are encouraged to contact the Office of General Services' Division of Service-Disabled Veteran's Business Development at 518-474-2015 or VeteransDevelopment@ogs.ny.gov to discuss methods of maximizing participation by SDVOBs on the Contract.

5.22 Vendor Assurance of No Conflict of Interest or Detrimental Effect

All bidders responding to this solicitation should submit [Attachment 4](#) to attest that their performance of the services outlined in this RFP does not create a conflict of interest and that the bidder will not act in any manner that is detrimental to any other State project on which they are rendering services.

5.23 Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination

The New York State Human Rights Law, Article 15 of the Executive Law, prohibits discrimination and harassment based on age, race, creed, color, national origin, sex, pregnancy or pregnancy-related conditions, sexual orientation, gender identity, disability, marital status, familial status, domestic violence victim status, prior arrest or conviction record, military status or predisposing genetic characteristics. In accordance with Executive Order No. 177, the Offeror certifies that they do not have institutional policies or practices that fail to address those protected status under the Human Rights Law.

6.0 PROPOSAL CONTENT

The following includes the requested format and information to be provided by each Bidder. Bidders responding to this RFP should satisfy all requirements stated in this RFP. All Bidders are requested to submit complete Administrative and Technical Proposals, and are required to submit a complete Cost Proposal. A proposal that is incomplete in any material respect may be rejected.

To expedite review of the proposals, Bidders are requested to submit proposals in separate Administrative, Technical, and Cost packages inclusive of all materials as summarized in Attachment A, Proposal Documents. This separation of information will facilitate the review of the material requested. No information beyond that specifically requested is required, and Bidders are requested to keep their submissions to the shortest length consistent with making a complete presentation of qualifications. Evaluations of the Administrative, Technical, and Cost Proposals received in response to this RFP will be conducted separately. Bidders are therefore cautioned not to include any Cost Proposal information in the Technical Proposal documents.

DOH will not be responsible for expenses incurred in preparing and submitting the Administrative, Technical, or Cost Proposals.

6.1 Administrative Proposal

The Administrative Proposal should contain all items listed below. A proposal that is incomplete in any material respect may be eliminated from consideration. The information requested should be provided in the prescribed format. Responses that do not follow the prescribed format may be eliminated from consideration. All responses to the RFP may be subject to verification for accuracy. Please provide the forms in the same order in which they are requested.

A. M/WBE Forms

Submit completed Form #1 and/or Form #2, Form #4 and Form #5 as directed in [Attachment 5](#), "Guide to New York State DOH M/WBE RFP Required Forms."

B. Bidder's Disclosure of Prior Non-Responsibility Determinations

Submit a completed and signed [Attachment 1](#), "Prior Non-Responsibility Determination."

C. Vendor Responsibility Questionnaire

Complete, certify, and file a New York State Vendor Responsibility Questionnaire. DOH recommends that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the VendRep System Instructions at www.osc.state.ny.us/vendrep/vendor_index.htm or go directly to the VendRep System online at <https://portal.osc.state.ny.us>.

Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the OSC Help Desk at 866-370-4672 or 518-408-4672 or by email at ciohelpdesk@osc.state.ny.us.

Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website, www.osc.state.ny.us/vendrep, or may contact the Office of the State Comptroller's Help Desk for a copy of the paper form. Bidder's should complete and submit the Vendor Responsibility Attestation, [Attachment 3](#).

D. Freedom of Information Law – Proposal Redactions

Bidders must clearly and specifically identify any portion of the proposal that a Bidder believes constitutes proprietary information entitled to confidential handling as an exception to the Freedom of Information Law. See [Section 4.10](#), (Freedom of Information Law)

E. Bidder's Certified Statements

Submit [Attachment 7](#), "Bidder's Certified Statements", which includes information regarding the Bidder. Attachment 7 must be signed by an individual authorized to bind the Bidder contractually. Please indicate the title or position that the signer holds with the Bidder. DOH reserves the right to reject a proposal that contains an incomplete or unsigned Attachment 7 or no Attachment 7.

F. Encouraging Use of New York Businesses in Contract Performance

Submit [Attachment 6](#), "Encouraging Use of New York State Businesses" in Contract Performance to indicate which New York Businesses you will use in the performance of the contract.

G. References

Provide references using [Attachment 9](#), (References) for three (3) current or former contractors at the local, state or federal level that have received services similar to those described in this RFP. Provide the name of the unit of government, addresses, contact names, telephone numbers, and email addresses. References may be checked, at the discretion of the Evaluation Committee, at any point during the process to verify bidder minimum qualifications to propose.

H. Conflict of Interest or Detrimental Effect

Submit [Attachment 4](#), Vendor's Assurance of No Conflict of Interest or Detrimental Effect, which includes information regarding the Bidder, members, shareholders, parents, affiliates or

subcontractors. [Attachment 4](#) must be signed by an individual authorized to bind the Bidder contractually.

I. EO 177 Prohibiting Contracts with Entities that Support Discrimination

Submit [Attachment 11](#) certifying that it does not have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sex, sexual orientation, gender identity, disability, marital status, military status, or other protected status under the Human Rights Law.

6.2 Technical Proposal

The purpose of the Technical Proposal is to demonstrate the qualifications, competence, and capacity of the Bidder to perform the services contained in this RFP. The Technical Proposal should demonstrate the qualifications of the Bidder and of the staff to be assigned to provide services related to the services included in this RFP.

A Technical Proposal that is incomplete in any material respect may be eliminated from consideration. The following outlines the requested information to be provided, in the following order, by Bidders. The information requested should be provided in the prescribed format. Responses that do not follow the prescribed format may be eliminated from consideration. All responses to the RFP may be subject to verification for accuracy.

While additional data may be presented, the following should be included. Please provide the information in the same order in which it is requested. Your proposal should contain sufficient information to assure DOH of its accuracy. Failure to follow these instructions may result in disqualification.

Pricing information contained in the Cost Proposal must not be included in the Technical Proposal documents.

A. Title Page

Submit a Title Page providing the RFP subject and number; the Bidder's name and address, the name, address, telephone number, and email address of the Bidder's contact person; and the date of the Proposal.

B. Table of Contents

The Table of Contents should clearly identify all material (by section and page number) included in the proposal.

C. Documentation of Bidder's Qualifications to Propose Responsive to Section 3.0 of this RFP;

Bidders must meet all minimum qualifications stated in Section 3.0 of the RFP. The bidder must submit documentation that provides sufficient evidence of meeting this criterion. This documentation may be in any format needed to demonstrate how they meet the minimum qualifications to propose:

- A minimum of three (3) years' experience working with general accounting, auditing and electronic reporting systems, and
- At least three (3) years' experience working on payment systems for Federal, State or Local government accounting contracts, and
- At least one (1) year experience processing electronic payments.

Experience acquired concurrently is considered acceptable.

Failure to meet these Minimum Qualifications will result in a proposal being found non-responsive and eliminated from consideration.

D. Technical Proposal Narrative

Bidder should provide the following:

1. Bidder should provide a narrative indicating how they propose to complete the tasks/deliverables in Section 4.1 specifically:
 - a. Accounts Receivable timeline: The bidder should describe their ability to meet the timeline described in section 4.1.1 above.
 - b. A detailed plan for the tasks to be performed under 4.1.2 following the outline below:
 1. Section 4.1.2.2 a: Maintain an electronic database developed and maintained by the contractor, to which the program would have remote access
 2. Section 4.1.2.2 b. i-viii: Determination, Billing and Collection of Inspection and Reference Fees for the permit year (July 1- June 30), which are based on a fiscal year beginning April 1 and ending March 31 for a five-year period (2018-2023);
 3. Section 4.1.2.2 c. i-iv: Calculation of Late Fees and Preparation and Processing of Dunning Notices;
 4. Section 4.1.2.2 d: Preparation of Year-End Close-Out Report
 5. Section 4.1.2.2 e: Administrative Reports/Special Billings;
 6. Section 4.1.2.2 f. i-ix: Development, Implementation, and Documentation of On-Going Collection Procedures and Revenue System for Clinical Laboratory Inspection and Reference Fees;
 7. Section 4.1.2.2 g. i-iv: Laboratory Accounts;
 8. Section 4.1.2.2 h. i-vii: Information for each laboratory account;
 9. Section 4.1.2.2 i. i-iii: Invoices;
 10. Section 4.1.2.2 j: Procedures Manual.
2. A description of the firm's capabilities to perform the various components of this RFP proposal as outlined in Section 4.0 Scope of Work, specifically:
 - a. A narrative description of work experiences in developing, implementing and operating comparable applications for government payment systems, including a description of an electronic payment system component.
 - b. A narrative description of the firm including the parent and all subsidiary companies.
 - c. A staffing plan for this project which identifies the number of personnel to be engaged in the work, including the project manager and accountant meeting the minimum qualifications as outlined in Section 4.1.2.k and that ensures the overall implementation and delivery of the scope of work in Section 4.0. This description should include how staff are to be recruited, vetted, hired, and trained to accomplish the tasks/deliverables listed under Section 4.0. **Resumes will not be accepted or evaluated.**
 - d. Provide descriptions of three (3) local, state or federal governmental accounts that demonstrate the ability of the bidder to perform jobs similar in scope to the size, nature, and complexity to this RFP. A description of each of these projects should be included, as well as a brief description of the staffing and resources assigned to each of the referenced projects.
3. Security

Describe how your organization plans to provide the security described in Section 4.1.2.l.

4. Transition

Describe how your organization plans to provide the transition described in Section 4.1.2.m.

E. Diversity Practices Questionnaire

Submit [Attachment 10](#) Diversity Practices Questionnaire. The Department has determined, pursuant to New York State Executive Law Article 15-A, that the assessment of the diversity practices of respondents of this procurement is practical, feasible, and appropriate. Accordingly, respondents to this procurement should include as part of their response to this procurement, [Attachment 10](#) "Diversity Practices Questionnaire". **Responses will be formally evaluated and scored.**

6.3 Cost Proposal

Submit a completed and signed [Attachment B – Cost Proposal](#). The Cost Proposal shall comply with the format and content requirements as detailed in this document and in [Attachment B](#). Failure to comply with the format and content requirements may result in disqualification.

The bid price is to cover the cost of furnishing all of the said services, including but not limited to materials, equipment, profit and labor to the satisfaction of the Department of Health and the performance of all work set forth in said specifications.

7.0 PROPOSAL SUBMISSION

A proposal consists of three (3) distinct parts: (1) the Administrative Proposal, (2) the Technical Proposal, and (3) the Cost Proposal. The table below outlines the requested format and volume for submission of each part. Proposals should be submitted in all formats as prescribed below.

	Electronic Submission	Paper Submission
Administrative Proposal	2 dedicated flash drives or CDs labeled "Administrative Proposal" containing a standard searchable PDF file with copy/read permissions only.	4 Originals 6 Copies
Technical Proposal	2 dedicated flash drives or CDs labeled "Technical Proposal" containing a standard searchable PDF file with copy/read permissions only.	4 Originals 6 Copies
Cost Proposal	2 dedicated flash drives or CDs labeled "Cost Proposal" containing standard searchable PDF file(s) with copy/read permissions only.	4 Originals 6 Copies

1. All hard copy proposal materials should be printed on 8.5" x 11" white paper (single-sided) and **be clearly page numbered on the bottom of each page with appropriate header and footer information.** A font size of eleven (11) points or larger should be used. The Technical Proposal materials should be presented separate from the sealed Cost Proposal. The sealed Cost Proposal should also be presented in separate three-ring binder(s);
2. Where signatures are required, the proposals designated as originals should have a handwritten signature and be signed in ink.
3. The NYSDOH discourages overly lengthy proposals. Therefore, marketing brochures, user manuals or other materials, beyond that sufficient to present a complete and effective proposal, are not desired. Elaborate artwork or expensive paper is not necessary or desired. In order for the NYSDOH to evaluate proposals fairly and completely, proposals should follow the format described in this RFP to provide all requested information. The Bidder should not repeat

information in more than one section of the proposal. If information in one section of the proposal is relevant to a discussion in another section, the Bidder should make specific reference to the other section rather than repeating the information;

4. Audio and/or videotapes are not allowed. Any submitted audio or videotapes will be ignored by the evaluation team; and
5. In the event that a discrepancy is found between the electronic and hardcopy proposal, the original hardcopy will prevail.

The complete proposal must be received by the NYSDOH, no later than the Deadline for Submission of Proposals specified in [Section 1.0](#), (Calendar of Events). Late bids will not be considered.

Proposals should be submitted in three (3) separate, clearly labeled packages: (1) Administrative Proposal, (2) Technical Proposal and (3) Cost Proposal, prepared in accordance with the requirements stated in this RFP. Mark the outside envelope of each proposal as "RFP# 17815 Determination, Billing, Collecting & Accounting for Fees in Support of the Clinical Laboratory Evaluation Program– (Administrative) (Technical) or (Cost) Proposal submitted by (Bidder's name)". The three (3) sealed proposals may be combined into one (1) mailing, if desired.

Proposals must be submitted, by United States Postal Service, by courier/delivery service (e.g., FedEx, UPS, etc.) or by hand as noted below, in a sealed package to:

United States Postal Service Address:
Department of Health (RFP#17815)
Attention: Beverly Rauch
Clinical Laboratory Evaluation Program
Wadsworth Center
New York State Department of Health
P.O. Box 509
Albany, New York 12201

Or

FedEx/UPS Address:
Department of Health (RFP#17815)
Attention: Beverly Rauch
Clinical Laboratory Evaluation Program
Wadsworth Center
New York State Department of Health
Empire State Plaza, P1 level Dock J
Albany, NY 12237

Or

Hand Delivery:
Dan Egan (RFP#17815)
Wadsworth Center
1450 Western Avenue
Albany, NY 12203
518-486-4104

NOTE: You should request a receipt containing the time and date received and the signature of the receiver for all hand-deliveries and ask that this information also be written on the package(s).

Submission of proposals in a manner other than as described in these instructions (e.g., fax, electronic transmission) will not be accepted.

7.1 No Bid Form

Bidders choosing not to bid are requested to complete the No-Bid form [Attachment 2](#).

8.0 METHOD OF AWARD

8.1 General Information

DOH will evaluate each proposal based on the “Best Value” concept. This means that the proposal that best “optimizes quality, cost, and efficiency among responsive and responsible offerers” shall be selected for award (State Finance Law, Article 11, §163(1)(j)).

DOH at its sole discretion, will determine which proposal(s) best satisfies its requirements. DOH reserves all rights with respect to the award. All proposals deemed to be responsive to the requirements of this procurement will be evaluated and scored for technical qualities and cost. Proposals failing to meet the requirements of this document may be eliminated from consideration. The evaluation process will include separate technical and cost evaluations, and the result of each evaluation shall remain confidential until both evaluations have been completed and a selection of the winning proposal is made.

The evaluation process will be conducted in a comprehensive and impartial manner, as set forth herein, by an Evaluation Committee. The Technical Proposal and compliance with other RFP requirements (other than the Cost Proposal) will be weighted 60% of a proposal’s total score and the information contained in the Cost Proposal will be weighted 40% of a proposal’s total score.

Bidders may be requested by DOH to clarify the contents of their proposals. Other than to provide such information as may be requested by DOH, no Bidder will be allowed to alter its proposal or add information after the Deadline for Submission of Proposals listed in [Section 1.0](#) (Calendar of Events).

In the event of a tie, the determining factors for award, in descending order, will be: (1) lowest cost and (2) proposed percentage of MWBE participation.

8.2 Submission Review

DOH will examine all proposals that are received in a proper and timely manner to determine if they meet the proposal submission requirements, as described in [Section 6.0](#) (Proposal Content) and [Section 7.0](#) (Proposal Submission), and include the proper documentation, including all documentation required for the Administrative Proposal, as stated in this RFP. Proposals that are materially deficient in meeting the submission requirements or have omitted material documents, in the sole opinion of DOH, may be rejected.

8.3 Technical Evaluation

The evaluation process will be conducted in a comprehensive and impartial manner. A Technical Evaluation Committee comprised of program staff of DOH will review and evaluate all proposals.

Proposals will undergo a preliminary evaluation to verify Minimum Qualifications to Propose (Section 3.0).

The Technical Evaluation Committee members will independently score each Technical Proposal that meets the submission requirements of this RFP. The individual Committee Member scores will be averaged to calculate the Technical Score for each responsive Bidder.

The technical evaluation is 60% (up to 60 points) of the final score.

8.4 Cost Evaluation

The Cost Evaluation Committee will examine the Cost Proposal documents. The Cost Proposals will be opened and reviewed for responsiveness to cost requirements. If a cost proposal is found to be non-responsive, that proposal may not receive a cost score and may be eliminated from consideration.

The Cost Proposals will be scored based on a maximum cost score of 40 points. The maximum cost score will be allocated to the proposal with the lowest all-inclusive not-to-exceed maximum price. All other responsive proposals will receive a proportionate score based on the relation of their Cost Proposal to the proposals offered at the lowest final cost, using this formula:

$$C = (A/B) * 40\%$$

A is Total price of lowest cost proposal;
B is Total price of cost proposal being scored; and
C is the Cost score.

The cost evaluation is 40% (up to 40 points) of the final score.

8.5 Composite Score

A composite score will be calculated by the DOH by adding the Technical Proposal points and the Cost Proposal points awarded. Finalists will be determined based on composite scores.

8.7 Reference Checks

The Bidder should submit references using [Attachment 9](#) (References). At the discretion of the Evaluation Committee, references may be checked at any point during the process to verify bidder qualifications to propose (Section 3.0).

8.9 Award Recommendation

The Evaluation Committee will submit a recommendation for award to the Finalist(s) with the highest composite score(s) whose experience and qualifications have been verified.

The Department will notify the awarded Bidder(s) and Bidders not awarded. The awarded Bidder(s) will enter into a written Agreement substantially in accordance with the terms of [Attachment 8](#), DOH Agreement, to provide the required services as specified in this RFP. The resultant contract shall not be binding until fully executed and approved by the New York State Office of the Attorney General and the Office of the State Comptroller.

ATTACHMENTS

The following attachments are included in this RFP and are available via hyperlink or can be found at: <https://www.health.ny.gov/funding/forms/>

- 1 [Bidder's Disclosure of Prior Non-Responsibility Determination](#)
- 2 [No-Bid Form](#)
- 3 [Vendor Responsibility Attestation](#)
- 4 [Vendor Assurance of No Conflict of Interest or Detrimental Effect](#)
- 5 [Guide to New York State DOH M/WBE Required Forms & Forms](#)
- 6 [Encouraging Use of New York Businesses in Contract Performance](#)
- 7 [Bidder's Certified Statements](#)
- 8 [DOH Agreement](#)
- 9 [References](#)
- 10 [Diversity Practices Questionnaire](#)
- 11 [EO177 Prohibiting Contracts with Entities that Support Discrimination](#)

The following attachments are Attached to the RFP:

- A Proposal Document Checklist
- B Cost Proposal

ATTACHMENT A PROPOSAL DOCUMENT CHECKLIST

Please reference Section 7.0 for the appropriate format and quantities for each proposal submission.

RFP17815 – Determination, Billing, Collecting & Accounting for Fees in Support of the Clinical Laboratory Evaluation Program		
FOR THE ADMINISTRATIVE PROPOSAL		
RFP §	SUBMISSION	INCLUDED
§ 6.1.A	M/WBE Participation Requirements:	<input type="checkbox"/>
	Attachment 5 Form 1	<input type="checkbox"/>
	Attachment 5 Form 2 (If Applicable)	<input type="checkbox"/>
§ 6.1.B	Attachment 1 – Disclosure of Prior Non-Responsibility Determinations, completed and signed.	<input type="checkbox"/>
§ 6.1.C	Attachment 3 - Vendor Responsibility Attestation	<input type="checkbox"/>
§ 6.1.D	Freedom of Information Law – Proposal Redactions (If Applicable)	<input type="checkbox"/>
§ 6.1.E	Attachment 7 - Bidder’s Certified Statements, completed & signed.	<input type="checkbox"/>
§ 6.1.F	Attachment 6 - Encouraging Use of New York Businesses in Contract Performance	<input type="checkbox"/>
§ 6.1.G	Attachment 9 (References)	<input type="checkbox"/>
§ 6.1.H	Attachment 4 – Vendor Assurance of No Conflict of Interest or Detrimental Effect	<input type="checkbox"/>
§ 6.1.I	Attachment 11 – EO177 Prohibiting Contracts with Entities that Support Discrimination	<input type="checkbox"/>
FOR THE TECHNICAL PROPOSAL		
RFP §	SUBMISSION	INCLUDED
§ 6.2.A	Title Page	<input type="checkbox"/>
§ 6.2.B	Table of Contents	<input type="checkbox"/>
§ 6.2.C	Documentation of Bidder’s Eligibility (requirement)	<input type="checkbox"/>
§ 6.2.D	Technical Proposal Narrative	<input type="checkbox"/>
§ 6.2.E	Attachment 10 - Diversity Practices Questionnaire	<input type="checkbox"/>
FOR THE COST PROPOSAL REQUIREMENT		
RFP §	REQUIREMENT	INCLUDED
§ 6.3	Attachment B- Cost Proposal	<input type="checkbox"/>

**ATTACHMENT B
COST PROPOSAL**

RFP# 17815

Bidder must bid an all-inclusive monthly price for each year (see Section 6.3 Cost Proposal and Section 5.4 Payment). Bids that do not include monthly pricing for each year will be disqualified.

RFP # 17815 Determination, Billing, Collecting and Accounting for Fees In Support of the Clinical Laboratory Evaluation Program Bid Sheet						
		Year 1	Year 2	Year 3	Year 4	Year 5
	Months per year	Monthly Price	Monthly Price	Monthly Price	Monthly Price	Monthly Price
Support of the CLEP Fee Collection Process	12					

By signing this Cost Proposal Form, bidder agrees that the prices above are binding for 365 days from the proposal due date.

Bidder's Authorized Signature _____ Date _____

Print Name and Title _____